

REMARKS

Claims 1, 3-26 and 28 are pending in this application. Claims 23-26 and 28 are rejected. Claims 1 and 3-22 are allowed. No new matter has been added. It is respectfully submitted that the pending claims define allowable subject matter.

As an initial matter, the Office Action indicates that claims 1-22 are allowed. However, claim 2 was previously canceled. Accordingly, Applicant assumes that claims 1 and 3-22 are allowed and acknowledges with appreciation the allowance of these claims.

Claim 23 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ami et al. (Japanese Publication No. 2004056457), hereafter Ami, in view of Yarkosky. Applicant respectfully traverses this rejection.

Claim 23 has been amended to recite an apparatus including a communication module mountable to the side of a building and configured to “receive a radio signal from another communication module located on the side of the building using an outward facing array of the communication module, the radio signal originating from an elevation different than the communication module and propagated at least one of substantially upward and substantially downward along an outside surface of the building” and “transmit the radio signal into the building using an inward facing array of the communication module.” Support for this amendment can be found in the application as filed, for example, at paragraphs 0025, 0029 and 0035.

None of the cited references describe differently facing antenna arrays as claimed. In particular, the system of Ami uses a reflector 51 to reflect a signal into the building (see, e.g., Ami, paragraph 0026). Further, although Yarkosky describes using an omni-directional antenna (see, e.g., Yarkosky, column 6, lines 23-28), two differently facing arrays wherein one array receives “a radio signal from another communication module ...propagated at least one of substantially upward and substantially downward along an outside surface of the building” and another differently facing array transmits “the radio signal into the building” is not described. Thus, a communication module that uses one array to receive signals transmitted substantially

upward and downward along a building and another array to transmit signals into a building is not disclosed in the cited references. Accordingly, Applicant submits that claim 23 is allowable.

Claim 24 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ami in view of Yarkosky and further in view of Takatori. Applicant respectfully traverses this rejection.

Claim 24 depends from independent claim 23 and is allowable based at least on the dependency of this claim from claim 23. Further, even from a cursory reading of the Takatori reference, this reference fails to make up for the deficiencies of the Ami and Yarkosky references as discussed in more detail above.

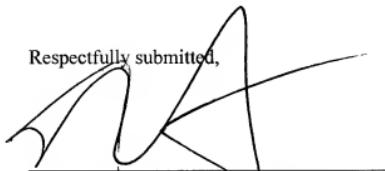
Claim 25 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Neill (U.S. Patent Application Publication 2004/0176027) in view of Dupray (U.S. Patent Application Publication 2004/0198386). Applicant respectfully traverses this rejection.

Claim 25 recites a method including “receiving a radio signal … encoded with a predetermined code based on the elevation from which the signal was transmitted and services priorities” and “transmitting the radio signal into the building based on the predetermined code.” Although the Dupray reference describes using dimensional information including an elevation component (see, e.g., Dupray, paragraph 0030) in a transmitted signal and prioritizing the fulfillment of service requests (see, e.g., Dupray, paragraph 0620), Applicant can find nothing in Dupray or the other cited references that discloses transmitting a signal based on the predetermined code that includes elevation and service priorities information. The system of Dupray may use the elevation information to determine the floor of a building on which a base station is located to identify mobile stations. However, Applicant can find no disclosure in the Dupray reference of transmitting signals into a building based on a predetermined code that includes both the “elevation from which the signal was transmitted and services priorities” as recited in claim 25. Accordingly, Applicant submits that claim 25 is allowable.

Claims 26 and 28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Neill and Dupray in view of Yarkosky and Takatori. Applicant respectfully traverses this rejection.

Claims 26 and 28 depend from independent claim 25 and are allowable based at least on the dependency of these claims from claim 25. Further, even from a cursory reading of the Yarkosky and Takatori references, these references fail to make up for the deficiencies of the O'Neill and Dupray references as discussed in more detail above.

In view of the foregoing amendments and remarks, it is respectfully submitted that the prior art neither anticipates nor renders obvious the claimed invention and the pending claims in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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